

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ERSKINE LEE WALLER, JR.,	:	
Petitioner,	:	
v.	:	CIVIL ACTION 09-0412-CG-M
UNITED STATES OF AMERICA,	:	CRIMINAL ACTION 05-00229-CG-M
Respondent.	:	

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that Petitioner's Motion be **DENIED** as time-barred and that this action be **DISMISSED**.

DONE and ORDERED this 14th day of September, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE